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FISCAL IMPACT STATEMENT

LS 6503

BILL NUMBER: HB 1200

NOTE PREPARED: Mar 14, 2012

BILL AMENDED: Mar 10, 2012

SUBJECT: Various Corrections Matters

FIRST AUTHOR: Rep. Foley

FIRST SPONSOR: Sen. Bray

BILL STATUS: Enrolled

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Abstract of Judgment and Credit-Restricted Felons* – It requires a sentencing court to inform the Department of Correction (DOC) if the person sentenced is a credit-restricted felon. It requires a court that determines that a person sentenced is a credit-restricted felon to state in the sentencing order and the abstract of judgment that the person is a credit-restricted felon.
- B. *Swift and Certain Sanctions* – It requires the Judicial Conference to adopt rules concerning swift and certain sanctions that a probation officer may use in supervising persons on probation. It provides procedures for a person on probation to be sanctioned by a probation officer.
- C. *Credit Time and Postconviction Release* – It requires that credit time earned by certain offenders shall be reduced to the extent that application of the credit time would result in postconviction release or a community transition program assignment in less than 45 days after the person earns the credit time.
- D. *Victim Notification* – It requires the Department to: (1) establish an automated victim notification system; and (2) notify a registered crime victim of certain changes affecting the committed offender who committed the crime against the victim. It specifies when the Department shall make certain victim notifications. It provides that if a court imposes a felony sentence that involves a commitment to the Department, the court shall state certain information in the sentencing order and abstract of judgment.
- E. *Financial Responsibility for Participation in Certain Programs* – It provides that if a court orders probation for a person, the person, or in the case of a child, the child's parents, are responsible for certain costs.

Effective Date: July 1, 2012.

Explanation of State Expenditures: *Sentencing Orders and Abstract of Judgment* – DOC and the Indiana Supreme Court's Division of State Court Administration would need to develop and mutually approve an abstract of judgment that would be in an electronic format. The abstract of judgment would include but not be limited to each offense that a person is convicted of; the sentence, including whether the sentence includes a suspended sentence, probation, or direct commitment to community corrections; and whether the person is a credit-restricted felon. The added administrative cost for both DOC and the Division is not known.

Automated Victim Notification System – DOC staff report that this can be implemented within its existing level of resources.

Credit Time Earned by Certain Offenders – This provision could slightly reduce the need for prison beds. Under current law, any offender who receives credit time that would make them immediately eligible for release from prison, must spend an additional 45 days in prison before being released. This bill would restrict this 45-day wait to offenders who have been sentenced for violent crimes (IC 35-42), incest, and promoting prostitution.

DOC officials indicate that this bill especially could affect shorter-term offenders who may enroll in a substance abuse class and not be able to receive full credit to be released early.

Swift and Certain Sanctions – The Indiana Judicial Center would be charged with prescribing minimum standards for a schedule of probation incentives and violation sanctions and qualifications for probation officers to administer probation violation sanctions. The Center staff would likely conduct a series of public hearings prior to adopting these standards.

Explanation of State Revenues:

Explanation of Local Expenditures: *Swift and Certain Sanctions* – A person who is not admitted to bail pending a probation violation hearing may not be held in a county jail for more than 15 days without a hearing. Some counties will have to process probation violations at a faster rate rather than allowing probationers who violate their court orders to remain in jail for longer than 15 days. This would increase the number of hearings that sentencing courts would have to perform at a faster rate. It could also reduce the number of offenders who are in county jails awaiting probation revocation hearings.

Credit-Restricted Felons – Courts should be able to specify that an offender is a credit-restricted felon in the sentencing order and the abstract of judgment with current resources.

Credit-restricted felons have been committed to DOC for one of the following:

- Child molesting involving sexual intercourse or deviate sexual conduct if the offense is committed by a person at least 21 years of age and the victim is less than 12 years of age; or child molesting resulting in serious bodily injury or death; or
- Murder if the person killed the victim while committing or attempting to commit child molesting; the victim was the victim of a sex crime for which the person was convicted; or the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for

a sex crime and the person committed the murder with the intent to prevent the person from testifying.

Credit-restricted felons were committed from 34 counties between 2009 and 2011.

Credit-Restricted Felons Committed to DOC by CY			
<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
5	19	41	40

Credit-restricted felons receive one day credit off of their time in prison for each 6 days they serve with good conduct.

Sentencing Orders and Abstract of Judgment – Courts in 88 of Indiana’s 92 counties will need to complete 10 or fewer of these sentencing orders each week, based on commitments to DOC in CY 2010. Depending on the type of office automation available, most counties should be able to complete this requirement with existing resources.

LSA examined the number of offenders committed to DOC in CY 2010 by county.

Average Number of Offenders Committed to DOC each Week in CY 2010	Counties Committing
Fewer than 5	81
Between 5 and 10	7
More than 10	3
82 per week	Marion County

Explanation of Local Revenues: *Financial Responsibility for Participation in Certain Programs* – If a person or the child of a person participates in a treatment program, educational class or rehabilitative service provided by a probation department, the person could be responsible for any costs. Any additional reimbursements would be deposited into either the county or local supplemental probation services fund.

State Agencies Affected: Department of Correction; Indiana Judicial Conference; Division of Mental Health and Addiction; Division of State Court Administration.

Local Agencies Affected: Trial courts operating probation offices; Community correction agencies.

Information Sources: Division of State Court Administration; Department of Correction.

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